

REMARKS

The last Office Action has been carefully considered.

It is noted that claims 1-4, 6-10, 12-22 are rejected under 35 U.S.C. 102 over the U.S. patent application publication to Ege, et al.

Claims 1, 4, 7-11, 13-14, 17-18 and 21 are rejected under 35 U.S.C. 102(b) over the U.S. patent to Cuneo.

Also, the abstract of the disclosure is objected to, and the claims are rejected under 35 U.S.C. 112.

In connection with the Examiner's formal objections and rejections, applicants have provided a new abstract of the disclosure and amended the claims to eliminate the Examiner's grounds for formal objections and rejections. It is believed that the amendments to the claims are self explanatory. However, the amendment to claim 15 needs explanations. The Examiner indicated that the support for the language in claim 15 that the suction head has a suction part which forms an indivisible unit with a dust container is not found in the specification. In connection with this, the Examiner's attention is respectfully directed for example to Figures 3, 4 and 5 of the drawings. These figures clearly show that the suction head 14a is indivisibly connected with the suction part 24a

to form an indivisible unit 72a. Since the term “invisible” is objected to by the Examiner as definite, this term has been replaced with the term “one-piece” to define that the suction head has a suction part which forms a one-piece with the dust container. This is clearly shown in Figures 3, 4, and 5 as well as in other figures.

After carefully considering the examiner's grounds for the rejection of the claims over the art, applicant amended claim 1, the broadest claim on file, and submitted claim 23 which is the second independent claim.

It is respectfully submitted that the features of these claims clearly and patentably distinguish the present invention from the prior art applied with the Examiner.

Claims 1 and 23 specifically define that in the suction device for a power tool that the dust container is integrated in the suction head placeable on the workpiece, and a bearing unit supports the suction head with the integrated dust container on a housing of the power tool, so that the suction head 14a-14c with the integrated dust container 12a-12c is displaceable along a working direction 24a-24c via the bearing unit 46a-46c, 48a.

The Examiner's attention is first of all respectfully directed to the meaning of the term “suction head”, and the suction container integrated in the

suction head. The head usually is a component which is located on an outer end of any system. For example a drill head of a drilling tool is located on an end of the system of the drilling tool and therefore has a corresponding shape and performs a corresponding function. Depending on the design of the drilling head the operation of the drilling tool is performed. The same is true with respect to a match having a match head which is located at an end of a match for lighting the match. The same is true for the examples such as pier head, cylinder head, screw head, etc., which are the parts located on ends of the corresponding articles.

In the patents to Ege and Cuneo corresponding devices are disclosed which also have heads in the sense of the examples presented herein above.

The Ege reference discloses in the abstract "a suction tube (4)...coupled at one end to a suction head (3)." At one end of a suction tube 4 the suction head 3 is mounted. Only this component 3 is identified as a head.

The same is true with respect to the patent to Cuneo. In the description, in particular in column 2, lines 59-60 it is stated that "The terminal end of the duct 24 is connected at the right angle to a suction head 26".

In both cases the suction head forms an outer end of the suction device, and due to its construction the suction head determines the characteristics and the operation of the suction device.

In the suction device in accordance with the applicant's invention the suction head 14a-14c is located at the outer end of the suction device. The construction of the suction head 14a-14c also forms the outer end of the suction device. Here also the construction of the suction head 14a-14c determines the operation of the suction device. The main feature of the present invention resides in the suction head 14a-14c, and it clearly distinguishes from the suction head 3 of the Ege reference and the suction head 26 of the Cuneo reference.

The suction head 14a-14c of the applicant's invention is formed as a spatially continuous unit 72a-72 which is composed of a suction part 34a-34c and a dust container 12a-12c, wherein the suction head 14a-14c is designed in accordance with the new features of the present invention which are the new features of the inventive suction device.

The suction container 12a-12c is integrated in the suction head 14a-14c as explained for example from page 1, on lines 30 to page 2, line 2. The suction head 14a-14c is supported on a housing 26a, 26b of the power tool 10a, 10b so that it is displaceable along a working direction 24a-24c. In the Ege and Cuneo references the dust containers are not components of the suction head

and thereby are not integrated in the suction heads. This means also that the dust container is not displaceable together with the suction head in a working direction. Moreover, the dust container forms an additional element located outside of the suction head in the references.

The original claims are rejected over these references being anticipated under 35 U.S.C. 102. In connection with this, it is believed to be advisable to cite the decision *in re Lindenman Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) in which it was stated:

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim."

Definitely, the references do not disclose each and every element of the suction device of the present invention as defined in claims 1 and 23, and therefore the anticipation rejection should be considered as not tenable and should be withdrawn.

Claims 1 and 23 should be considered as patentably distinguishing over the art and should be allowed.

As for the dependent claims, these claims depend on claim 1, they share its allowable features, therefore it is respectfully submitted that they should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance; he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,

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